

By: Zaffirini

S.B. No. 460

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the extension of the period of community supervision
3 for certain defendants who fail to pay a previously assessed fine or
4 cost.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 42A.753, Code of Criminal Procedure, is
7 amended by amending Subsections (a) and (b) and adding Subsections
8 (b-1) and (b-2) to read as follows:

9 (a) On a showing of good cause, the judge may extend a period
10 of community supervision under Article 42A.752(a)(2) as frequently
11 as the judge determines is necessary, but, except as otherwise
12 provided by this article, the period of community supervision in a
13 first, second, or third degree felony case may not exceed 10 years
14 and [~~except as otherwise provided by Subsection (b),~~] the period
15 of community supervision in a misdemeanor case may not exceed three
16 years.

17 (b) Subject to Subsection (b-2), the [~~The~~] judge may extend
18 the period of community supervision in a misdemeanor case for any
19 period the judge determines is necessary [~~not to exceed an~~
20 ~~additional two years beyond the three-year limit provided by~~
21 ~~Subsection (a),~~] if:

22 (1) the defendant fails to pay a previously assessed
23 [~~fine, cost, or~~] restitution amount; and

24 (2) the judge determines that extending the

1 supervision period will increase [~~increases~~] the likelihood that
2 the defendant will fully pay the [~~fine, cost, or~~] restitution
3 amount.

4 (b-1) For any period the judge determines is necessary but
5 subject to Subsection (b-2), in a felony or misdemeanor case the
6 judge may extend the period of community supervision based on the
7 defendant's failure to pay a previously assessed fine or cost only
8 if the judge, after a hearing, determines that:

9 (1) the defendant has the financial resources to pay
10 the fine or cost; and

11 (2) extending the supervision period will increase the
12 likelihood that the defendant will fully pay the fine or cost.

13 (b-2) The total length of an extension of the period of
14 community supervision under Subsection (b) or (b-1), as applicable,
15 in a felony or misdemeanor case may not exceed an additional two
16 years beyond the applicable limit provided by Subsection (a).

17 SECTION 2. The change in law made by this Act applies to a
18 person on community supervision, including deferred adjudication
19 community supervision, on or after the effective date of this Act,
20 regardless of whether the person was placed on community
21 supervision before, on, or after the effective date of this Act.

22 SECTION 3. This Act takes effect September 1, 2023.